

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 10858 OF 2017****Anandrao Gopalrao Bhandare****..... Petitioner****VERSUS****Chhagan Sadashiv Jadhav & Ors.****..... Respondents**

Mr.Suresh M.Sabrad for the Petitioner.

Mr.Pramod N.Joshi for the Respondent nos. 1 to 7.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent nos. 8 to 10.

CORAM : R.D. DHANUKA, J.**DATE : 24th APRIL, 2018****P.C.**

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order passed by the learned Divisional Commissioner allowing the appeal filed by the respondent nos. 1 to 7 and setting aside the order passed by the learned collector by which the learned collector had allowed the Dispute Application No.38 of 2017 thereby disqualifying the respondent nos. 1 to 7 as members of the Grampanchayat on the ground that these members have not filed statements of account within the time prescribed.

2. A perusal of the order passed by the learned Divisional Commissioner, Nashik Division, Nashik indicates that it is an admitted position that the petitioner has filed a dispute under the provisions of Maharashtra Village Panchayat Act, 1956 after expiry of four years from the date of respondent nos. 1 to 7 having been elected as members of the Grampanchayat on the ground that the accounts of

election expenses were not filed by the respondent nos. 1 to 7.

3. A perusal of the impugned order indicates that the learned collector himself has not conducted any enquiry but had allowed the Additional Commissioner to conduct an enquiry into the allegations of violations made by the petitioner. The revision application has also highlighted breach of the duty of the learned collector in not conducting an enquiry within the reasonable period. Admittedly the respondent nos. 1 to 7 were already elected members of the Grampanchayat, Mauje on 22nd September, 2012 whereas the dispute application was filed by the appellant on 26th August, 2016.

4. In these circumstances, in my view the learned Divisional Commissioner has rightly interfered with the impugned order dated 2nd June, 2017 passed by the learned collector allowing the dispute application filed by the petitioner. In my view, the findings rendered by the learned Divisional Commissioner being not perverse, cannot be interfered with by this court under Article 227 of the Constitution of India.

5. Writ petition is devoid of merit and is accordingly dismissed. There shall be no order as to costs.

[R.D. DHANUKA, J.]